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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ESTEBAN GERARDO RAMIREZ, AKA
“ESTEBAN RAMIREZ VERDUZCO,” AND
MARSHA GARMA PHILLIPS,

Defendants.

CASE NO. 2:22-CR-0055-DAD

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: October 20, 2022
TIME: 9:30 a.m.
COURT: Hon. Dale A. Drozd

STIPULATION

1. By previous order, this matter was set for status on October 20, 2022, before District Judge Troy L. Nunley. ECF No. 37.
2. On August 25, 2022, this case was reassigned to District Judge Dale A. Drozd. ECF No. 38. The case has not yet been calendared for a different date.
3. By this stipulation, defendants now move to continue the status conference until November 8, 2022, at 9:30 a.m., and to exclude time between October 20, 2022, and November 8, 2022, under Local Code T4.
4. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes over 20 gigabytes of investigative reports and related documents in electronic form,

1 including undercover footage and audio, recorded statements, forensic cellular phone extractions,
2 search warrants, and other evidence. All of this discovery has been either produced directly to
3 counsel and/or made available for inspection and copying.

4 b) Counsel for defendants desire additional time to consult with their clients, review
5 the current charges, conduct investigation and research related to the charges, review and copy
6 discovery for this matter, to discuss potential resolutions with their clients, and to otherwise
7 prepare for trial. Additionally, Counsel for Mr. Ramirez has expressed that he is currently
8 outside of the country recovering from a recent COVID-19 infection and that he needs additional
9 time to finish reviewing discovery and to meet with his client in person upon his return to the
10 United States.

11 c) Counsel for defendants believe that failure to grant the above-requested
12 continuance would deny them the reasonable time necessary for effective preparation, taking into
13 account the exercise of due diligence.

14 d) The government does not object to the continuance.

15 e) Based on the above-stated findings, the ends of justice served by continuing the
16 case as requested outweigh the interest of the public and the defendant in a trial within the
17 original date prescribed by the Speedy Trial Act.

18 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
19 et seq., within which trial must commence, the time period of October 20, 2022 to November 8,
20 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
21 T4] because it results from a continuance granted by the Court at defendant's request on the basis
22 of the Court's finding that the ends of justice served by taking such action outweigh the best
23 interest of the public and the defendant in a speedy trial.

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5. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: October 12, 2022

PHILLIP A. TALBERT
United States Attorney

/s/ ADRIAN T. KINSELLA
ADRIAN T. KINSELLA
Assistant United States Attorney

Dated: October 12, 2022

/s/ LUPE MARTINEZ
LUPE MARTINEZ
Counsel for Defendant
ESTEBAN GERARDO RAMIREZ

Dated: October 12, 2022

/s/ ETAN ZAITSU
ETAN ZAITSU
Counsel for Defendant
MARSHA GARMA PHILLIPS

ORDER

Pursuant to the stipulation of the parties, the status conference previously scheduled in this case for October 20, 2022, is continued to November 8, 2022, at 9:30 a.m., and time is excluded for the period from October 20, 2022, and November 8, 2022, under Local Code T4.

IT IS SO ORDERED.

Dated: October 13, 2022

Dale A. Drozd
UNITED STATES DISTRICT JUDGE